

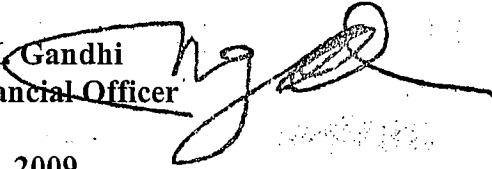
**Government of the District of Columbia
Office of the Chief Financial Officer**



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: October 9, 2009

SUBJECT: Fiscal Impact Statement: "Anti-Graffiti Act of 2009"

REFERENCE: Bill 18-69, Draft Committee Print shared with OCFO on 10/1/09

This revised Fiscal Impact Statement reflects the changes made in the Committee Print, and it replaces the Fiscal Impact Statement issued by the OCFO on December 19, 2008.

Conclusion

Funds are sufficient in the FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed legislation would establish a new process for graffiti abatement by property owners and the Mayor. Specifically, it would:

- Require the Mayor to provide a notification to the owner—served in person, by certified mail or by posting the notice on the premises if the owner cannot be identified—that the graffiti on the owner's property must be abated;
- Require that said notification provide both a space for the owner to respond to the notice regarding the owner's stance on the graffiti and a deadline for when the reply must be returned;
- Provide that certain actions by a property owner would be deemed to provide consent to permit the Mayor to abate the graffiti;
- Authorize the Mayor to issue a Notice of Violation (NOV) for failure to abate the graffiti;

- Establish an expedited process for adjudication of any NOV issues for failure to abate the graffiti, including the requirement for the Office of Administrative Hearings (OAH) to issue a final order on a NOV no later than 30 days after the date on which the NOV was filed with OAH;
- Require a property owner (or property owner's designated agent) to pay two and half times the District's abatement cost, as well as a \$500 penalty and possible interest, if OAH finds the property owner responsible for the violation;
- Establish the Graffiti Abatement Fund ("Fund"), a non-lapsing segregated account. All fines, penalties, interest, charges and costs (including abatement costs) assessed pursuant to this bill, any funds in the existing Graffiti Trust Fund,¹ and any fines collected as penalties under the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 would be deposited into the Fund. Subject to the applicable laws related to the appropriation of District funds, the Fund would be continually available to the Mayor for the uses and purposes set forth in the proposed bill, including graffiti abatement and prevention.
- Provide the actions the District may take against a property owner in order to collect the amount to be paid under a NOV, including perpetual liens in favor of the District upon all real and personal property belonging to the person named in the NOV;
- Authorize the Mayor to issue paint vouchers, graffiti clean-up kits, and other graffiti removal materials to an owner; and
- Authorize OAH and the Mayor to issues rules regarding specific sections of the proposed legislation.

Financial Plan Impact

Funds are sufficient in the FY 2010 through FY 2013 budget and financial plan to implement the provisions of the proposed legislation.

The Department of Public Works (DPW) and the OAH could absorb the cost of implementing the proposed legislation with existing resources. If circumstances require the use of certified mail to provide notification to property owners, this could place unbudgeted expenditure pressures on DPW. Similarly, if the number of NOVs and owners who are unresponsive to NOVs is higher than anticipated, it could place unbudgeted expenditure pressures on OAH due, in part, to the expedited hearing provision of the proposed bill.

¹ Established by the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 13-309; D.C. Official Code § 22-3312.04).